REMARKS

In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application. This amendment is fully responsive to all issues raised in the Office Action mailed January18, 2006.

5

10

15

20

Rejections Under 35 U.S.C. §102

Claims 1-8

Claims 1-18 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,538,669 to Lagueux, et al. (hereinafter, "the '669 patent"). Applicants traverse this rejection.

The '669 patent cannot anticipate (or render obvious) independent claim 1 because the '669 patent neither discloses (nor even suggests) limitations explicitly recited in independent claim 1. Claim 1 recites "a virtualized logical disk object representing a virtual storage container, wherein the virtualized logical disk is an abstract representation of physical storage capacity provided by plurality of physical stores." The Action appears to assert that the LUN described in the '669 patent discloses this limitation, and cites column 7, column 8, lines 25-35, and column 17 to support the assertion.

Claim 1 further recites as a separate element "a virtual disk object representing a virtual storage container, wherein the virtual disk object is an abstract representation of one or more virtualized logical disk objects, the virtual disk object including an exposed management interface." The Action asserts that the '669 patent discloses this limitation, and generally cites column 2 and

Caven & Aghevli LLC 3 200302351-1

column 7 to support the rejection. The Action appears to assert that the LUN described in the '669 patent satisfies both limitations. Applicant disagrees. Nothing in this text discloses (or even suggests) a virtual disk object that is separate from a virtualized logical disk object, wherein the virtual disk object is an abstract representation of one or more virtualized logical disk objects, the virtual disk object including an exposed management interface, as recited in claim 1. Therefore, the '669 patent cannot anticipate independent claim 1.

Claims 2-8 depend from independent claim 1, and are allowable at least by virtue of their dependency.

10

15

5

Claims 9-16

The '669 patent cannot anticipate (or render obvious) independent claim 9 because the '669 patent neither discloses (nor even suggests) limitations explicitly recited in independent claim 9. Among other limitations, claim 9 recites "specifying at least some of the plurality of physical disk drives for inclusion in a storage cell." The Action asserts that the '669 patent discloses this limitation, and cites column 15, lines 20-45 to support the assertion.

Applicants disagree. The cited text reads as follows:

In the example illustrated in FIG. 12, the external interface is provided by the NIC #0, and its associated HDM is represented by block 1010. The protocol translator is provided by the SCSI target server ISM 1011. A cache function is provided by the ISM 1012. A mirror function is provided by the ISM 1013. The storage objects are accessed from the mirror function 1013, and consist of a set of physical storage interfaces selected in this example from the fiber channel basic daisy chain interface and its associated HDM represented by block 1014 or an external LUN interface, the disk drives in the fiber channel arbitrated loop accessed through the ISM/HDM pair represented by block 1015 and the redundant block 1016, the solid state

Caven & Aghevii LLC <u>4</u> 200302351-1

5

10

15

20

25

30

storage device and its associated HDM represented by block 1017, and the interface to an external disk drive and its associated ISM/HDM pair represented by block 1018. Separate HDM modules on each of the fiber channels interfaces to disks (01), (02), (03), and (04) manage the communication across the fiber channel arbitrated loops with the interfaces 1015 and 1016.

In the embodiment shown, the mirror module 1013 accesses disks (01), (02), and (04) as the primary, secondary and standby drives, respectively, for the mirror functions. Although the mirror module shown in FIG. 9 includes the tertiary drive interface, this tertiary drive is not used in the example system.

Contrary to the assertion in the Action, nothing in this text discloses (nor even suggests) specifying at least some of the plurality of physical disk drives for inclusion in a storage cell, as recited in claim 9. Therefore, the '669 patent cannot anticipate independent claim 9.

Claim 9 further recites as a separate element "creating a storage cell object representing the storage cell wherein the physical store objects corresponding to the specified physical disk drives are included in the created storage cell." The Action asserts that the '669 patent discloses this limitation, and generally cites column 8 and column 9 to support the rejection. Applicant disagrees. Nothing in this text discloses (or even suggests) creating a storage cell object representing the storage cell wherein the physical store objects corresponding to the specified physical disk drives are included in the created storage cell, as recited in claim 9. Therefore, the '669 patent cannot anticipate independent claim 9.

Claims 10-16 depend from independent claim 9, and are allowable at least by virtue of their dependency.

10

15

20

Claims 17-18

The '669 patent cannot anticipate (or render obvious) independent claim 17 because the '669 patent neither discloses (nor even suggests) limitations explicitly recited in independent claim 17. Claim 17 recites "creating a logical disk object representing a virtual storage container, wherein the logical disk is an abstract representation of physical storage capacity provided by plurality of physical stores." The Action appears to assert that the LUN described in the '669 patent discloses this limitation, and cites column 16 and column 17 to support the assertion.

Claim 17 further recites as a separate element "creating a virtual disk object comprising the logical disk object, the derived disk object and the presented disk object." The Action asserts that the '669 patent discloses this limitation, and generally cites tables 1 and 2, and columns 17-18 to support the rejection. Applicant disagrees. Nothing in this text discloses (or even suggests) a virtual disk object that is separate from a virtualized logical disk object, much less a derived disk object and the presented disk object, as recited in claim 17. To the contrary, 1 and 2 appear to be routing tables, not virtualized logical disk objects. Therefore, the '669 patent cannot anticipate independent claim 17.

Claim 18 depend from independent claim 17, and is allowable at least by virtue of the dependency.

CONCLUSION

This application is in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the present application.

Should any issue remain that prevents immediate issuance of the application,

5 the Examiner is encouraged to contact the undersigned attorney to discuss the unresolved issue.

10

Respectfully Submitted, Jed W. Caven Caven & Aghevli LLC 9249 S. Broadway Blvd. #200-201 Highlands Ranch, CO 80129

Dated: March 14, 2006

15

Jed W. Caven Caven & Aghevli LLC Reg. No. 40,551 (720) 841-9544